

WEDNESDAY, JANUARY 23, 2019

SECOND LEGISLATIVE DAY

**OATH OF OFFICE
January 23, 2019**

Representative-elect Ramsey was administered the Oath of Office by the Honorable Chief Justice Jeffrey Bivins of the Tennessee Supreme Court, as prescribed by the State Constitution and the Statutes of Tennessee

The House met at 9:00 a.m. and was called to order by Mr. Speaker Casada.

The proceedings were opened with prayer by Rep. Love.

Representative Love led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 93

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M., Hill T., Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C., Johnson G., Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 93

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Farmer; personal

Representative Stewart; business

Representative Kumar; illness

PRESENT IN CHAMBER

Reps. Lynn and Parkinson were recorded as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 3 Reps. M. Hill, Holt, Travis, Parkinson and Towns as prime sponsors.

House Joint Resolution No. 45 Rep. Staples as prime sponsor.

SPONSOR EXCLUSION

Pursuant to the signed Sponsor Exclusion form, when a motion is made to add all members voting in the affirmative as co-prime sponsors to any bill or resolution on the House floor, the following members request that their names not be added without their own signatures, and that this is effective until the adjournment of the 2019-2020 annual session of the 111th General Assembly: Rep. Ragan.

**ENGROSSED BILLS
January 22, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 49.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
January 22, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 3, 4, 11, 12, 13 and 14; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
January 22, 2019**

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 3, 4, 11, 12, 13 and 14.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
January 22, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 3, 4, 11, 12, 13 and 14; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
January 22, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 52 and 54; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 24, 2019:

House Resolution No. 4 -- Memorials, Death - Kert W. Blackwood. by *Griffey.

***House Joint Resolution No. 52** -- Memorials, Recognition - MSNBC, Chris Hayes, Trymaine Lee, and the production team of All In With Chris Hayes. by *Cooper.

***House Joint Resolution No. 57** -- Memorials, Professional Achievement - John Muse, Chairman of Tennessee Bankers Association. by *Hill T.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 59** -- Local Education Agencies - As introduced, changes the amount of physical education class time that must be taught by a licensed teacher with an endorsement in physical education from at least 60 minutes to at least 30 minutes; authorizes LEAs to allow additional physical education class time to be taught by a licensed teacher with an endorsement in elementary education to teach any remaining or additional physical education class time in collaboration with a physical education teacher. - Amends TCA Section 49-6-1021. by *Dunn.

House Bill No. 60 -- Education, Dept. of - As introduced, requires the department to create a three-year early learning pilot program, to begin in the 2019-2020 school year, to identify early learning programs that provide opportunities for quality early childhood education and improvement in student outcomes. - Amends TCA Title 49, Chapter 6, Part 1. by *Dunn.

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***House Bill No. 61** -- Children - As introduced, creates an exception to the presumption of parentage if a man is physically separated from his wife in a way that prevents physical contact for more than 300 consecutive days immediately preceding the birth of the child, or if it is a medical impossibility that the man could father the child. - Amends TCA Title 24, Chapter 7; Title 36, Chapter 2 and Title 68, Chapter 3. by *Jernigan.

House Bill No. 62 -- Disabled Persons - As introduced, enacts the "Dynamic Accessibility Act," which requires commissioner of general services to designate a modern symbol of access for disabled persons for use on state property; requires department of revenue to designate a modern symbol of access for disabled drivers and disabled passengers for use on registrations, placards, decals, and license plates. - Amends TCA Title 3; Title 4; Title 12; Title 55 and Title 68. by *Jernigan.

***House Bill No. 63** -- TennCare - As introduced, reduces the time period from 30 to 15 days for an enrollee or applicant for medical assistance to mail documentation of a material change affecting the enrollee or applicant's TennCare application. - Amends TCA Title 68 and Title 71. by *Travis.

***House Bill No. 64** -- Insurance Companies, Agents, Brokers, Policies - As introduced, requires the commerce and labor committee of the senate, the insurance committee of the house of representatives, and the finance, ways and means committees of the senate and the house of representatives to recommend any necessary changes to the Access Tennessee Act of 2006 by February 1 after conducting the committees' annual review of the act. - Amends TCA Title 56. by *Travis.

***House Bill No. 65** -- Insurance, Health, Accident - As introduced, increases from 15 days to 30 days the period of time during which an HMO or a representative of an HMO may request a hearing in response to a cease and desist order from the commissioner of commerce and insurance. - Amends TCA Title 56. by *Travis.

***House Bill No. 66** -- Teachers, Principals and School Personnel - As introduced, reduces, from 30 percent to 15 percent, the portion of a teacher's evaluation that must be comprised of student achievement data, if the teacher does not have access to individual data representative of student growth; allows the teacher to decide whether an additional 15 percent of the evaluation is based on student growth and represented by TVAAS evaluation composites; specifies that the qualitative portion must be increased to account for the remainder of the teacher's evaluation. - Amends TCA Section 49-1-302. by *Moon, *Hill T, *Garrett, *Byrd.

House Bill No. 67 -- Utilities, Utility Districts - As introduced, authorizes utility districts formed under the Utility District Law of 1937 to provide funding, if approved by the board of commissioners, to 501(c)(3) nonprofit organizations that provide rescue services within the utility district's service area and that do not provide fire protection services. - Amends TCA Title 7, Chapter 82. by *Zachary.

House Bill No. 68 -- Naming and Designating - As introduced, designates the Robert Spicer Memorial Buck Dance Championship as the official buck dancing competition of the State of Tennessee. - Amends TCA Title 4, Chapter 1, Part 3. by *Littleton, *Curcio.

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House Bill No. 69 -- Child Custody and Support - As introduced, specifies that circuit and chancery courts' concurrent jurisdiction over divorce actions or actions to modify or alter a decree regarding child custody includes actions that contain allegations that a child is delinquent, unruly, or dependent and neglected; allows the circuit or chancery court to transfer an action to alter a custody decree that contains such an allegation to the juvenile court when appropriate. - Amends TCA Title 16; Title 36 and Title 37. by *Carter.

House Bill No. 70 -- Education - As introduced, extends the date of the repeal of the Virtual Public Schools Act from June 30, 2019, to June 30, 2023. - Amends TCA Title 49, Chapter 16. by *Powers.

***House Bill No. 71** -- Alcoholic Beverages - As introduced, authorizes the sale of alcoholic beverages and beer for consumption on the premises of Zoo Knoxville during the zoo's regular operating hours. - Amends TCA Title 57, Chapter 4. by *Staples.

***House Bill No. 72** -- Lottery, Scholarships and Programs - As introduced, extends for a student who becomes pregnant during the four-month period immediately preceding the date on which the student completes high school in a Tennessee home school program, obtains a GED® or HiSET®, or graduates from high school, the time within which the student must be admitted to, and enrolled in, an eligible postsecondary institution to be eligible for a Tennessee HOPE scholarship. - Amends TCA Title 49, Chapter 4, Part 9. by *Lamar.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 57** -- Charitable Institutions -- House State Committee

***House Bill No. 58** -- Alcoholic Beverages -- House State Committee

CONSENT CALENDAR

***Senate Joint Resolution No. 59** -- Memorials, Death - Senator Curtis Bentley "Ben" Atchley, Jr. by *McNally, *Massey, *Akbari, *Bailey, *Bell, *Bowling, *Briggs, *Crowe, *Dickerson, *Gardenhire, *Gilmore, *Gresham, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Kurita, *Kyle, *Niceley, *Pody, *Reeves, *Roberts, *Robinson, *Southerland, *Stevens, *Swann, *Watson, *White, *Yager, *Yarbro.

***Senate Joint Resolution No. 76** -- Memorials, Recognition - American Heart Association/National Wear Red Day, February 1, 2019. by *Gilmore, *Briggs, *Akbari, *Bowling, *Gresham, *Kurita, *Kyle, *Massey, *Robinson, *White, *Bailey, *Bell, *Crowe, *Dickerson, *Gardenhire, *Haile, *Hensley, *Jackson, *Johnson, *Kelsey, *Niceley, *Pody, *Reeves, *Roberts, *Southerland, *Stevens, *Swann, *Watson, *Yager, *Yarbro, *McNally.

Rep. Dunn moved that all members voting aye on Senate Joint Resolution No. 59 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

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Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	92
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M., Hill T., Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C., Johnson G., Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--92

Representatives present and not voting were: Daniel, Hazlewood--2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "present and not voting" to "aye" on **Consent Calendar** and have this statement entered in the Journal: Rep. Daniel.

REGULAR CALENDAR

***Senate Joint Resolution No. 51** -- Memorials, Recognition - City of Johnson City, sesquicentennial. by *Crowe, *Lundberg.

Further consideration of Senate Joint Resolution No. 51, previously considered on the Consent Calendar for January 18, 2019, at which time it was objected to and reset for today's Regular Calendar.

Rep. C. Sexton moved that the house concur in **Senate Joint Resolution No. 51**, which motion prevailed by the following vote:

Ayes	94
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel,

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DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M., Hill T., Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C., Johnson G., Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended for the purpose of introducing House Resolution No. 3 out of order, which motion prevailed.

House Resolution No. 3 -- Memorials, Recognition - Dr. Martin Luther King, Jr. by *Lamberth.

On motion, the rules were suspended for the immediate consideration of the resolution.

RESOLUTION READ

The Clerk read House Resolution No. 3.

Rep. Lamberth moved that all members voting aye on House Resolution No. 3 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

On motion of Rep. Lamberth, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Potts, **House Bill No. 52** was recalled from the Finance, Ways, and Means Committee and withdrawn from the House.

On motion of Rep. Potts, **House Bill No. 55** was recalled from the Transportation Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 5 Reps. Whitson and Freeman as prime sponsors.

House Bill No. 17 Reps. Coley, Staples and White as prime sponsors.

House Bill No. 35 Rep. Camper as prime sponsor.

House Bill No. 39 Rep. Cepicky as prime sponsor.

House Bill No. 40 Rep. Cepicky as prime sponsor.

House Bill No. 77 Rep. Lamberth as prime sponsor.

**SIGNED
January 23, 2019**

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 52 and 54.

TAMMY LETZLER, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
January 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 3, 4, 11, 12, 13 and 14; for his action.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
January 23, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 3; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
January 23, 2019**

The Speaker announced that he had signed the following: House Resolution No. 3.

GREG GLASS, Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M., Hill T., Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C., Johnson G., Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 96

RECESS

On motion of Rep. Lamberth, the House stood in recess until 9:00 a.m., Thursday, January 24, 2019.